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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

Home Department

Notification

HD-25-11544/65

The following draft amendment which is proposed to be made in Goa, Daman and Diu Motor Vehicles Rules 1965, is hereby pre-published as required by section 133 of the Motor Vehicles Act 1939, for the information of the person likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration on or after 31st January 1966, together with objections or suggestions that may be received in respect thereto before the date specified.

DRAFT AMENDMENT

In exercise of the powers conferred by sections 21, 41, 65, 67, 68, 70 and 91 of the Motor Vehicles Act 1939, as extended to the Union Territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following amendment to the Goa, Daman and Diu Motor Vehicles Rules 1965.

Short title: (1) These rules may be called the Goa, Daman and Diu Motor Vehicles (4th amendment) Rules 1965.

(2) These rules shall come into force on

After rule 2—18 in the Goa, Daman and Diu Motor Vehicles Rules 1965, the following rules shall be inserted:—

2 19.—*School of motoring* (1) No person shall engage in the business of giving instruction in the driving of motor vehicles nor shall any person advertise or otherwise publicly undertake to give such instruction, without a licence and constituting the said person as a school of motoring.

(2) Any person desiring to obtain a licence for enabling him to engage in the business referred to in sub-rule (1) shall make an application for the purpose to the licensing authority of the area in which he has his place of business.

(3) The licensing authority may, on receipt of an application under sub-rule (1) grant or renew a licence in Form M. S. to these rules to the applicant for engaging in the business of giving instruction in the driving of motor vehicles or for advertising or otherwise publicly undertaking to give such instructions as may be specified in the application and subject to compliance with such conditions, if any, as may be specified in the licence and constitute the applicant a school of motoring or may refuse to grant a licence. Where a licence is refused, the licensing authority shall furnish the applicant an order in writing setting forth the reasons of such refusal.

(4) A licence granted under sub-rule (3) shall be valid for a period of three years and may be likewise renewed from time to time.

(5) The licensing authority shall in exercising its powers in granting or renewing or refusing a licence under this rule have regard to the following factors, that is to say, that—

(i) the applicant and staff are good moral character and qualified to give instruction;

(ii) the premises where the school is proposed to be conducted is either owned by the applicant or hired in his name and consist of at least one room commodious enough to accommodate the students under training and sufficient to provide for amenities such as water-taps and lavatories.

(iii) the financial resources of the proposed school are sufficient to provide for its continued maintenance;

(iv) the applicant maintains at least two motor cycles, two light motor vehicles, one medium motor vehicle and one heavy motor vehicle of each of these categories of motor vehicles for which he desires a licence.

Provided that where a licence is desired only for medium motor vehicle or heavy motor vehicle or both, the applicant maintains in addition at least one light motor vehicle.

Provided further that the vehicles required to be maintained are all registered in the name of the ap-

plicant, are available exclusively for training purposes, and except for motor cycles, are fitted with dual control.

(v) the applicant maintains the following apparatus and equipment, namely:—

- (a) Black-board;
- (b) Road plan board with necessary toy signals and cars;
- (c) Traffic sign chart;
- (d) Road signals chart;
- (e) Service chart-detail view of all components of motor vehicles;
- (f) Engine assembly, rear axle assembly, gear box assembly of one of the well-known makes, such as Chevrolet or Ford V-8, Dodge, Fargo, except where the applicant desires to give instruction in riding of motor cycles only; } Sectionalized so as to reveal the working parts.
- (g) Chassis assembly (of one of the well-known makes such as Ford, Chevrolet, Dodge, Austin) complete with steering mechanism, suspension, axles and brake drum shoes except where the applicant desires to give instructions in riding of motor cycles only;
- (h) Puncture repair kit with tyre lever, wheeler brace, jack, tyre-pump and tyre pressure gauge;
- (i) Spanners (a set each of fixed spanners, box spanners, pliers, screw drivers, screw spanners and a hammer);
- (j) Driving instructions manual;
- (k) The Indian Highway Safety Code;
- (l) Desks for students and work benches;
- (m) Complete electrical equipment on a bench to demonstrate the working of lights, self-starter dynamo cutout, battery and switches.

(vi) the applicant or any member of the paid staff employed by him for giving instructions possesses the following qualifications (except in the case of an applicant or any member of his staff who has been giving such instructions before the 1st day of April 1965 in any school approved under any rule in force in any part of the Union Territory of Goa, Daman and Diu immediately before the 1st day of April 1965, in that part namely:—

- (a) at least 5 years' driving experience in addition to a certificate in motor mechanics course or any other equivalent qualification from any institution recognised by the State Government;
- (b) a thorough knowledge of traffic signs specified in the Ninth Schedule, Parts A and B, and of the driving regulations specified in the Tenth Schedule, of the Act, so as to be able to impart instructions therein to the satisfaction of the licensing authority;
- (c) ability to demonstrate and explain the functions of different component parts of the vehicles in his possession, to the satisfaction of the licensing authority;
- (d) adequate knowledge of either English, Hindi, Marathi or Konkani or the regional language of the place in which the school is established so as to be

able to impart all the instructions in the said language;

(e) an adult first aid certificate issued by the St. John Ambulance Association (India);

(vii) the applicant maintains fully equipped first aid sets for use in emergencies at the premises of the training school and in each of the vehicles used for training;

(viii) the need of a school of motoring in the particular locality.

(6) The applicant shall maintain a record with photographs of the students attending the school from time to time, the duration of their instructions and the date on which they passed the test in driving specified in the Act.

(7) The licensee shall submit to the licensing authority such information and such returns as they may be called for by it.

(8) The licensee shall—

(a) not alter the place of business of the school of motoring mentioned in the licence without the prior approval of the licensing authority obtained in writing;

(b) keep the premises of the school at all reasonable times open for inspection by any person deputed by the licensing authority;

(9) It shall be lawful for a licensing authority by an order in writing to approve the nature and duration of courses of instruction and the number of pupils to be instructed at any one time.

(10) The fees to be charged by a licensee shall be at such rates as may be fixed by the licensing authority and the fees shall not be varied without the prior approval of such authority. Special fees may subject to the approval of the licensing authority be charged for special course.

(11) The licensing authority may by order in writing suspend or cancel a licence granted under sub-rule (3) — (i) if a licensee—

(a) fails to maintain the equipment, vehicles and other matters referred to in sub-rule (5) in accordance with the standard envisaged by that sub-rule or fails to comply with the provisions of that sub-rule or any other provisions of this rule.

(b) fails to maintain the vehicles of the school in accordance with the provision of these rules, or

(c) does not impart proper instructions as indicated by the results of driving tests or otherwise, or

(d) for any other reason considered sufficient;

Provided that no such order shall be made unless:—

(a) the reasons for suspension or cancellation of a licence are recorded in the order and the copy of the order is furnished to the licensee, and

(b) the licensee has been given an opportunity of showing cause against the order which the licensing authority proposes to make.

(12) Where the licence is cancelled or suspended under sub-rule (11) Form M. S. to these rules shall be surrendered to the licensing authority by the holder thereof.

Rule 2.20 Appellate Authority:— (1) The authority to hear appeals against any of the following orders passed by the licensing authority under rule 2.19 shall be the Director of Transport, and if the order is passed by the Director of Transport in his

capacity as Licensing Authority, the appellate authority will be the Secretary to Government, Home Department, namely:—

- (a) order granting, suspending or cancelling a licence for the establishment of a school of motoring;
- (b) order fixing the rate of fees or refusing approval to the charging of special fees for special courses;
- (c) order refusing a request to alter the place of business of the school of motoring;
- (d) any order passed under the sub-rule (9) of that rule.

Rule 2.21—Conduct and hearing of appeals:—

(1) An appeal under rule 2.20 shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objections to the order of the licensing authority and shall be accompanied by a fee of two rupees in cash and a certified copy of such order.

(2) Where an appeal is lodged under rule 2.20, a notice shall issue to the licensing authority in such form as the appellate authority may direct.

(3) The appellate authority, after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may deem necessary, may confirm, vary or set aside the order of the licensing authority and shall make an order accordingly.

(4) Any person preferring an appeal under rule 2.20 shall be entitled to obtain a copy of any document filed with the licensing authority in connection with any order against which he is preferring an appeal, on the payment of a fee of two rupees in respect of each such document.

(5) Subject to the provisions of sub-rule (4) the appellate authority or the licensing authority may, in his or its discretion, give any person interested in such appeal, copies of any documents connected with the appeal on payment of a fee of two rupees per copy of each document.

The following form will also be added to the list of forms the Motor Vehicles Rules, after the Form «RO».

FORM M. S.

(See rule 2.19)

Form of licence for the establishment of a Motor Driving School

Licence is hereby granted for the establishment of a School for imparting instructions to Motor drivers in the following class of motor vehicle:—

- (a) Heavy Motor Vehicles,
- (b) Medium Motor Vehicles,
- (c) Light Motor Vehicles,
- (d) Motor Cycles,

by (1)

at (2)

the school being known as the subject to the provisions of the Motor Vehicles Act, 1939 and the Goa, Daman and Diu Motor Vehicles Rules 1965.

This licence is valid upto day of 19...

Licensing Authority

Dated 19

The licence is hereby renewed upto day of 19

Licensing Authority

Note:—The licence is subject to the provisions of rule 2.19 of the Goa, Daman and Diu Motor Vehicles Rules 1965. These provisions requires the licensee, among other things:

- (a) to obtain prior approval of any change of address of the school;
- (b) to allow the school to be inspected, at any reasonable time, by a duly authorised person;
- (c) if so required, to obtain the sanction of the licensing authority both to the number of pupils that may be admitted at any one time and to the syllabus;
- (d) to maintain an adequate number of vehicles fitted with dual control and other necessary apparatus and equipment; and
- (e) to maintain a record, with photographs, of the students attending, the duration of their instructions and the dates on which they passed the driving test.

The licence is liable to be rescinded at any time if the character of the proprietor or staff, the financial condition of the undertaking, or the conduct of the school is unsatisfactory.

Strike out whichever is inapplicable

(1) Here enter full name of person, persons, Company association, managing the school.

(2) Address of premises of school.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. K. Mainkar, Under Secretary.

Panjim, 17th December, 1965.

Planning and Development Department

Notification

CS/3468/65

In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the Notification of the Government of India in the Ministry of Food and Agriculture (Department of Food) No. G.S.R. 1152, dated the 28th June, 1963 published in Gazette of India (Part II, Section 3 Sub-section (i) dated 6th July, 1963) and with the prior concurrence of the Central Government, the Administrator of Goa, Daman and Diu hereby makes the following Order to amend the Goa, Daman and Diu Foodgrains Dealers Licensing Order, 1964, namely:—

1 — (1) This Order may be called the Goa, Daman and Diu Foodgrains Dealers Licensing (Amendment) Order 1965.

(2) It shall come into force on the date of its publication in the Official Gazette.

2 — In clause 3 of the Goa, Daman and Diu Foodgrains Dealers Licensing Order, 1964, for sub-clause (2) the following sub-clause shall be substituted, namely:—

«(2) For the purpose of this clause, any person who stores in quantity of ten quintals or more of any one of the foodgrains or 25 quintals or more of all the foodgrains taken together, at any one time shall, unless the contrary is proved, be deemed to be a dealer.»

By order and in the name of the Administrator of Goa, Daman and Diu.

S. P. Balasubramanian, Development Commissioner and Secretary to the Government.

Panjim, 2nd December, 1965.

Notification

CS/3211/65

The following Notification regarding the Kerosene (Restriction on Use) Order, 1965 originally published in Part II section 3 Sub-section (i) of the Gazette of India extraordinary dated 15th September 1965, is hereby republished in the Gazette of Goa Government for the information of public.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. P. Balasubramanian, Development Commissioner.
Panjim, 20th December, 1965.

GOVERNMENT OF INDIA

MINISTRY OF PETROLEUM & CHEMICALS

(Department of Petroleum)

New Delhi, the 15th September, 1965
24 Bhadra, 1887 (S)

Notification

GSR. — In exercise of the powers conferred by sub-rule (2) of rule 125 of the Defence of India Rules, 1962, the Central Government hereby makes the following Order, namely: —

1. **Short title and commencement.** — (1) This Order may be called the Kerosene (Restriction on Use) Order, 1965.

(2) It shall come into force at once.

2. **Definition.** — In this Order «kerosene» shall have the meaning assigned to it in item No. 7 of the First Schedule to the Central Excise and Salt Act, 1944 (1 of 1944) and shall not include Aviation Turbine Fuel.

3. **Restriction on use of Kerosene.** — No person shall use or consume kerosene for any purpose other than cooking or illumination or both.

4. **Exception.** — (1) Notwithstanding anything contained in this Order, a State Government or an authority nominated by it may by special order permit any person to use kerosene for such purpose as it may consider to be essential.

(2) Nothing in this Order shall apply to the use of Kerosene for any purpose by the Armed Forces of the Union.

S. K. GUHA

Joint Secretary to the Government of India

(F. No. 11(27)/65-IOC)

Mormugao Port Trust

Notification

MPT/IGA/(E-956)/65

As required under Section 124 of the Major Port Trusts Act, 1963, the following amendment to the Mormugao Port Employees (Recruitment, Seniority and Promotion) Regulations 1964 adopted by the Board of Trustees is hereby published.

AMENDMENT

Regulation 14(b) of the Mormugao Port Employees (Recruitment, Seniority and Promotion) Regulations, 1964 be substituted by the following:

«Regulation 14(b):

In order to be eligible for direct recruitment to any grade or post, a candidate shall be:

- a) a citizen of India; or
- b) a subject of Sikkim; or
- c) a subject of Nepal; or
- d) a subject of Bhutan; or
- e) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India; or
- f) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and the East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India:

1. Provided that a candidate belonging to categories (c) (d), (e) and (f) shall be a person in whose favour a certificate of eligibility has been given by the Government of India and if he belongs to category (f), the certificate of eligibility will be issued for a period of one year, after which such candidate will be retained in service subject to his having acquired Indian citizenship.

2. A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government».

By order.

Mormugao, 10th December, 1965. — *Shivakumar Dhindaw*, Secretary.

(2nd time)